

FILED IN OPEN COURT
U.S.D.C. Atlanta

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MAR 24 2013

James N. Harrison, Clerk
By: Deputy Clerk

UNITED STATES OF AMERICA,

v.

DAVID ROMERO-NIETO,
a/k/a TOBY,

Defendant.

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: CRIMINAL ACTION
: NO. 1:13-CR-382-JEC
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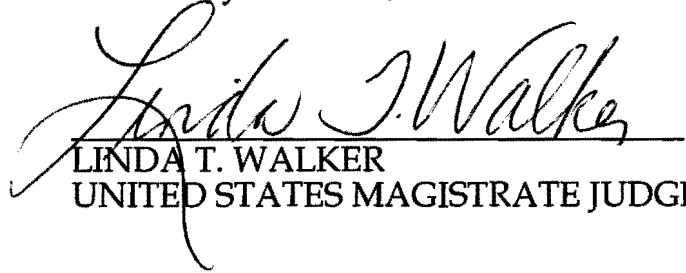
REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY¹

The Defendant, David Romero-Nieto ("Defendant"), by consent, has appeared before the undersigned United States Magistrate Judge and has entered a plea of guilty to the Indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I have determined that the guilty plea was knowing and voluntary, and that the plea to the offense charged is supported by an independent basis in fact establishing each of the essential elements of the offense. I have also determined that, to the maximum extent permitted by federal law, the Defendant has voluntarily and expressly waived his right to appeal the conviction and sentence and the right to collaterally attack his sentence in any post-conviction proceedings, including by motion filed pursuant to 28 U.S.C. § 2255, on any ground, except that the Defendant may file a direct appeal of an upward departure or a variance from the sentencing guideline range as calculated by the district court, and if the Government appeals the sentence imposed, the Defendant may also file a cross-

¹ Failure to file written objections to this Report and Recommendation within **FOURTEEN (14) DAYS** after service of a copy of this Report and Recommendation shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

appeal of that same sentence. It is, therefore, **RECOMMENDED** that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

IT IS SO RECOMMENDED this 24th day of March, 2014.


LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE